

July 20, 2012

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th floor
Sacramento, CA 95814
Email: commentletters@waterboards.ca.gov



Re: Comment Letter: 2nd Draft Phase II
Small MS4 General Permit

Dear Ms. Townsend:

Thank you for this opportunity to submit comments on the draft Phase II Small MS4 general permit dated May 18, 2012. As a volunteer group active in the Corte Madera Creek watershed of eastern Marin County, we are keenly interested in improving and protecting water quality and the natural resources that depend on clean water and healthy habitats. We know the value of educating citizens about our individual responsibility to protect water resources. Furthermore, we work alone and collaboratively with Marin County and the incorporated communities in our watershed to demonstrate ways that community members can participate.

Unfortunately, the revised permit appears to be written to in such a way as to have the effect of discouraging compliance and creating ill will from a public that already views state government as too high-handed. Imposing unfunded mandates when all local jurisdictions are suffering from a shortfall of revenue will force jurisdictions to take resources from other programs to cover new requirements. The worst effect would be to severely reduce the ability of local agencies to conduct monitoring that is relevant to the specific characteristics of particular watersheds.

Furthermore, the public outreach provisions appear to be useless. This is an area where MCSTOPPP has excelled, providing outreach to businesses, schools, and homeowners. Our volunteer group relies on guidance from stormwater personnel. This very effective outreach probably cannot continue if MCSTOPPP must switch to conducting surveys. We have the following recommendations:

1. Allow Phase IIs latitude to tailor programs to the specific characteristics of jurisdictions. We recognize that uniform standards are necessary to accomplish Clean Water Act goals, and the state board cannot give permittees a free hand to design their own programs. But some ability to accommodate differences in terrain and land use is reasonable. Corte Madera Creek watershed is dominated by suburban development, with small communities and many small waterways; it is very different from the large cities, industrial areas, and beach communities. Measures to reduce impermeable surfaces, residential pesticide use, and encroachment into the riparian corridor are important here. A statewide plan cannot fit everyone's needs and if not reconciled with local needs could simply result in higher costs and unnecessary work.

2. Revise the Phase 2 permit to require monitoring that can be used to inform watershed management in a meaningful way. For example, measuring temperature is an inexpensive and effective way to identify areas where riparian vegetation could be enhanced, benefiting water quality and aquatic habitat.
3. Eliminate requirements that are infeasible, for example provisions B.4.a and E.6.a regarding incidental runoff. Personnel are not available around the clock to monitor private landscape irrigation systems, car washes held by schools and youth sports teams, and other miscellaneous point sources, many of which do not require permits and are not widely enough advertised to be known to permittees. This should be omitted in favor of community education through MCSTOPPP, which is more effective in influencing public behavior to achieve the intended purpose.
4. Eliminate requirements that serve little useful benefit to water quality, for example provisions E.9a regarding outfall mapping and photography. Marin County has more than one thousand outfalls and these may already be mapped. Photographing each one would be an unproductive use of permittees' limited time and provide limited information about water quality discharges. Alternatively, this might be an interesting educational exercise for an intern or volunteer if one were available, and could be suggested for such.

Another measure likely to be both difficult to implement and of limited value is measure E.9.c(i) which would require permittees to locate all outfalls 72 hours after a rain event in order to verify if water is still flowing and then sample the water if it is flowing. This would not only be impractical, but would be made more difficult by the variability and unpredictability of rainfall in Marin County, an area noted for its microclimates.

We support efforts to educate the community about water quality, but there is an excess of polling. Measures E.7.a and E.14.a(ii)(e)(2) seem unlikely to provide useful information. We suggest it would be more useful to measure water quality parameters and use those to see if education is making a difference. For example, bacteroides testing has revealed that Corte Madera Creek and its tributaries are contaminated by dog feces. Signs exhorting dog owners to clean up after their pets and bags provided for the purpose may have helped, but there continues to be a problem. A campaign directed at dog owners and walkers, with subsequent testing for bacterial contaminants would more accurately gauge effectiveness. Furthermore, it's unlikely that dog walkers would admit during surveys to leaving piles of dog droppings along trails and roads.

5. Allow flexibility in timing and reporting, including allowing consolidation of reports. The revised permit expands on inspecting and reporting requirements in numerous ways, with a strict reporting schedule. Phase 2 permittees, which include many very small communities, should be

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allowed some freedom to defer or consolidate reports when rescheduling would free time for the more important field work and outreach.

We urge a careful review of the requirements. Retain those that can be accomplished with available resources, allow Phase 2s some freedom to establish priorities based on the local situation, and ensure that broad-based public education remains a top priority.

Sincerely,



Sandra Guldman, President

c: Terri Fashing, MCSTOPPP